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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/984,099	12/03/1997	KEVIN MCBRIDE	CGNE-115-1-U	1773
7	590 03/13/2002			
JENNIFER WAHLSTEN RAE-VENTER LAW GROUP, P.C. 260 SHERIDAN AVE, SUITE 440			EXAMINER	
			NELSON	, AMY J
PALO ALTO, CA 94306			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

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## Below is a communication from the EXAMINER in charge of this application

## COMMISSIONER OF PATENTS AND TRADEMARKS

### **ADVISORY ACTION**

THE PERIOD FOR RESPONSE:				
over thowever, will the statutory period for the response expire later than six months from the date of the final rejection.  Any extension of time must be obtained by filing a potition under 37 CFR 1,136(a), the proposed response and also the date for the purposes of determining the period of extension and the tech expense fled is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the five. Any extension fee pursuant to 37 CFR 1,177 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.  Appellant's Brief is due in accordance with 37 CFR 1,192(a).  Applicant's response to the final rejection, filed has been considered with the following effect, but it is not deemed to place the application in condition for ellowance:  1. The proposed amendments to the daim and for specification will not be entered and the final rejection stands because:  a There is no convincing showing under 37 CFR 1,116(b) why the proposed amendment is necessary and was not earlier presented.  b They raise new issues that would require turther consideration and/or search. (See Note).  c. They raise new issues that would require turther consideration and/or search. (See Note).  c. They raise the issue of new matter. (See Note).  d. They are not deemed to place the application in botter form for appeal by materially reducing or simplifying the issues for appeal.  e. They present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:  1. Viscontine and the daims without cancelling a corresponding number of finally rejected claims.  2. Nawly proposed or amended claims without cancelling a corresponding number of finally rejected claims.  3. Viscontine and the daims without cancelling a corresponding number of finally rejected claims.  1. The proposed drawing correction in the considered because applicant has not shown good and sufficent reasons why it was not	□ т	HE PERIOD FOR RESPONSE:		
over thowever, will the statutory period for the response expire later than six months from the date of the final rejection.  Any extension of time must be obtained by filing a potition under 37 CFR 1,136(a), the proposed response and also the date for the purposes of determining the period of extension and the tech expense fled is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the five. Any extension fee pursuant to 37 CFR 1,177 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.  Appellant's Brief is due in accordance with 37 CFR 1,192(a).  Applicant's response to the final rejection, filed has been considered with the following effect, but it is not deemed to place the application in condition for ellowance:  1. The proposed amendments to the daim and for specification will not be entered and the final rejection stands because:  a There is no convincing showing under 37 CFR 1,116(b) why the proposed amendment is necessary and was not earlier presented.  b They raise new issues that would require turther consideration and/or search. (See Note).  c. They raise new issues that would require turther consideration and/or search. (See Note).  c. They raise the issue of new matter. (See Note).  d. They are not deemed to place the application in botter form for appeal by materially reducing or simplifying the issues for appeal.  e. They present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:  1. Viscontine and the daims without cancelling a corresponding number of finally rejected claims.  2. Nawly proposed or amended claims without cancelling a corresponding number of finally rejected claims.  3. Viscontine and the daims without cancelling a corresponding number of finally rejected claims.  1. The proposed drawing correction in the considered because applicant has not shown good and sufficent reasons why it was not	a) [	is extended to run	Of continues to no	
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Any extension of time must be obtained by filing a polition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.192(a).  Appellant's Brief is due in accordance with 37 CFR 1.192(a).  Appellant's response to the final rejection, filed	٠, ٢			tair six months from the date of the final rejection
Applicant's Brief is due in accordance with 37 CFR 1.192(a).  Applicant's response to the final rejection, filed		Any extension of time must be on The date on which the response purposes of determining the per-	btained by filing a petition under 37 C , the petition , and the fee have been	FR 1.136(a), the proposed response and the appropriate fee. filled is the date of the response and also the date for the
to place the application in condition for allowance:  1. □ The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:  a. □ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.  b. □ They raise new issues that would require further consideration and/or search. (See Note).  c. □ They raise the issue of new matter. (See Note).  d. □ They are not deemed to place the application in botter form for appeal by materially reducing or simplifying the issues for appeal.  e. □ They present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:  2. □ Nawly proposed or amended claims without cancelling a corresponding number of finally rejected claims.  NOTE:  2. □ Nawly proposed or amended claims without cancelling a corresponding number of finally rejected claims.  NOTE:  2. □ Nawly proposed or amended claims without cancelling a corresponding number of finally rejected claims.  NOTE:  Claims allowable claims.  Claims allowed: 23,65  Claims allowed: 23,65  Claims allowed: 23,65  Claims allowed: 23,65  Claims allowed: 10,12-16 18-22,24-26 28 30-37 44-55,57 54,61,66-68  Claims rejected: 1-10,12-16 18-22,24-26 28 30-37 44-55,57 54,61,66-68  Claims rejected: 1-10,12-16 18-22,24-26 28 30-37 44-55,57 54,61,66-68  The affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier presented.  □ The proposed drawing correction □ has □ has not been approved by the examiner.  SEQ 10 No:1 or 12, 12, 13, 14, 14, 14, 14, 14, 14, 14, 14, 14, 14	☑ A	ppellant's Brief is due in accordanc	e with 37 CFR 1.192(a).	to be a section of above.
a   There is no convincing showing under 37 CFR 1.116(b) why the proposed amondment is necessary and was not earlier presented.  b.   They raise new issues that would require further consideration and/or search. (See Note).  c.   They raise the issue of new matter. (See Note).  d.   They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.  e.   They present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:  2.   Newly proposed or amended claims   would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.  3.   Wear the filting an appeal, the proposed amendment   will be entered   will not be entered and the status of the claims will be as follows:  Claims allowed:   23, 65    Claims allowed:   23, 65    Claims rejected to:   Claims considered because applicant has not shown good and sufficent reasons why it was not earlier    The proposed drawing correction   has   has not been approved by the examiner.  SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over the proposed of the earlier   SEQ 1D No:1   or   SE, Alix, Applicant does not over th	A to	pplicant's response to the final reject place the application in condition f	ction, filed has be or allowance:	en considered with the following effect, but it is not deemed
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c. ☐ They raise the issue of new matter. (See Note).  d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.  e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:  2. ☐ Newly proposed or amended claims		<ul> <li>a. There is no convincing sho presented.</li> </ul>	wing under 37 CFR 1.116(b) why the	proposed amendment is necessary and was not earlier
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2. Newly proposed or amended claims				j number of finally rejected claims.
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Claims objected to:  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 57, 59, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 57, 57, 57, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 57, 57, 57, 61, 66-68  Claims rejected: 1-10, 12-16, 18-22, 24-26, 28, 30-39, 44-55, 57, 57, 57, 57, 57, 57, 57, 57, 57,	з. 🔽	Upon the fitting an appeal, the prop be as follows:	posed amendment will be entered	will not be entered and the status of the claims will
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5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier  The proposed drawing correction has has not been approved by the examiner.  SEQ 10 No: 1 or 12, 1.E. Applicant docs hat goods good and sufficent reasons why it was not earlier of the second		Claims objected to:		<u> </u>
5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier  The proposed drawing correction has has not been approved by the examiner.  SEQ 10 No: 1 or 12, 1.E. Applicant docs hat goods good and sufficent reasons why it was not earlier of the second	-	Claims rejected: 1-10, 12-16	18-22, 24-26, 28, 30	=39,44 <i>-55,57,5</i> 9,61,66-68
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